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10/551,544	02/21/2006	Osamu Kurai	VPM-01401	4325
54004 7590 12/09/2009 MUIRHEAD AND SATURNELLI, LLC 200 FRIBERG PARKWAY SUITE 1001 WESTBOROUGH, MA 01581				
EXAMINER				
VO, CECILE H				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/551,544

Applicant(s)

KURAI ET AL.

Examiner

CECILE VO

Art Unit

2169

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07/24/2009.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-6, and 9-26 is/are pending in the application.
4a) Of the above claim(s) 1, 7 and 8 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 2-6 and 9-26 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
4) ☐ Interview Summary (PTO-413)
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____
Paper No(s)/Mail Date _____

DETAILED ACTION

1. This Office Action is in response to the Applicants' amendment received on 07/24/2009.

Claim Status

2. **Claims 2-6 and 9-26** are currently presenting for examination, with claims 4, 5, 6, 15, 19 and 23 being independent. Claims 2-6, 9, 11, 13, 15, 19 and 23 are currently amended. Claims 1, 7 and 8 are canceled.

Specification Objections

3. Applicants amended claims 4-6 and 23, and canceled claim 1. Therefore, objections to the specification are withdrawn.

Claim Objections

4. Applicant's amendment to objection of claim 23 is acknowledged. Therefore, objection to the claim is withdrawn.
5. Claim 1 is canceled. Therefore, duplicated objection to the claim is withdrawn.

Claim Rejections – 35 USC 101

6. Applicant's arguments and amendments to rejections of claims 15-22 under 35 U.S.C 101 is acknowledged. Therefore, rejections to the claims are withdrawn.
7. This action has been made **FINAL**.

Remark: The term "content server" in claim 23 includes only hardware device

Response to Arguments

8. Applicant's amendments/arguments have been considered and are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 2-6 and 9-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Sugimoto et al., US Patent Number 7,310,628 (hereinafter "Sugimoto").

Claim 1 is canceled.

Regarding claim 2, Sugimoto further discloses model group is provided per kind of the content (e.g. the user information input by the user can be arranged, col. 10, lines 19-20).

Regarding claim 3, Sugimoto further discloses the search device further comprising:

a template corresponding to every said terminal units of a plurality of generations in which the display capacities of the search results are different (col. 5, lines 31-36);

a generation detecting means for detecting the generation of the terminal unit to which the information request command to said search means is supplied (col. 7, lines 15-23); and

a search result generating means for generating the data of the search result in correspondence to the generation of the terminal unit detected by said generation detecting means (col. 2, lines 40-49).

Regarding claim 4, Sugimoto discloses a search device providing a search results to a requesting terminal unit (e.g. an apparatus A in Fig. 1 for retrieving and delivering a content according to the present invention that includes a server, col. 4, lines 13-15), the search results including at least one address corresponding to content provided by content providing server capable of providing content, the content provided by the content providing server corresponding to information showing a capacity of the requesting terminal unit included in an information request command along with a keyword from the requesting terminal unit (col. 7, lines 1-25), the search device comprising:

a search server that provides (e.g. a server included in the apparatus for retrieving and delivering a content, col. 4, lines 13-15):

a crawling means for searching predetermined addresses corresponding to said content by using the information showing the capacity of the requesting terminal unit according to a typical model of the requesting terminal unit in a model group, the model group being set according to the capacity (e.g. a method for retrieving and delivering a

content searches a database where contents and their additional information are stored based upon information from a terminal and delivers data extracted as a result of the search to the terminal, wherein the data extracted as a result of the search is edited depending upon processing ability of the terminal and delivered to the terminal, col. 3, lines 11-18);

a search index holding the predetermined addresses corresponding to the content obtained by said crawling means in correspondence to an identifier that identifies the requesting terminal unit in the model group at a time of crawling (e.g. any means or method that can identify the particular content within the retrieval result list may be used as the content identification information, and therefore, for example, when index or other numbers are added to each of the content information listed in the retrieval result list, the index or other numbers may be used as the identification information, col. 13, lines 64-67 – col. 14, lines 1-6); and

a searching means for gobbling down the predetermined addresses in said search index which correspond to content corresponding to the key word and the identifier included in the information request command from the requesting terminal unit (e.g. the content retrieving matches the retrieval key with the keyword and the features described in the registering metadata contained in the database, retrieves one or more contents that are consistent with or similar to the retrieval key, extracts the additional information such as the registering metadata and the like, which are stored along with the one or more contents thus acquired as a result of the retrieval, col. 7, lines 16-23); and

a search result generating means for generating a search result including said predetermined addresses gobbled down by the searching means (e.g. a retrieving metadata generating section that generates metadata for retrieving a content based upon the information from the terminal and outputs it to the content retrieving section, col. 2, lines 40-49).

Regarding claim 5, Sugimoto discloses an information providing system comprising:

a content providing server capable of providing content, the content provided by the content providing server including data corresponding to an information showing a capacity of a terminal unit included in an information request command (e.g. a database B in Fig. 1 in which various contents and a registering metadata for the contents are stored); and

a search device, coupled to the content providing server (col. 16, lines 43-50), that provides:

a crawling means for searching at least one address of said content by using the information showing the capacity of the terminal unit according to a typical model of the terminal unit in a model group the model group being set according to the capacity (e.g. a method for retrieving and delivering a content searches a database where contents and their additional information are stored based upon information from a terminal and delivers data extracted as a result of the search to the terminal, wherein the data

extracted as a result of the search is edited depending upon processing ability of the terminal and delivered to the terminal, col. 3, lines 11-18);

a search index holding the at least one address of the content obtained by said crawling means which correspond to content corresponding to an identifier that identifies the terminal unit in the model group at a time of crawling (e.g. any means or method that can identify the particular content within the retrieval result list may be used as the content identification information, and therefore, for example, when index or other numbers are added to each of the content information listed in the retrieval result list, the index or other numbers may be used as the identification information, col. 13, lines 64-67 – col. 14, lines 1-6); and

a searching means for gobbling down the at least one address of the content in said search index in correspondence to the identifier included in the information request command from the terminal unit (e.g. the content retrieving matches the retrieval key with the keyword and the features described in the registering metadata contained in the database, retrieves one or more contents that are consistent with or similar to the retrieval key, extracts the additional information such as the registering metadata and the like, which are stored along with the one or more contents thus acquired as a result of the retrieval, col. 7, lines 16-23).

Regarding claim 6, Sugimoto discloses an information searching system comprising:

a content providing server capable of providing content, the content provided by the content providing server including content corresponding to information showing a capacity of a terminal unit included in an information request command and a key word (e.g. a database B in Fig. 1 in which various contents and a registering metadata for the contents are stored); and

a search device, coupled to the content providing server (col. 16, lines 43-50), that provides:

a crawling means for searching at least one predetermined address corresponding to said contents by using the information showing the capacity of a typical model of the terminal unit in a model group, the model group being set according to the contents capacity (col. 3, lines 11-18);

a search index holding the at least one predetermined address of the content obtained by said crawling means in correspondence to a an identifier that identifies the terminal unit in the model group at a time of crawling (col. 13, lines 64-67 – col. 14, lines 1-6);

a searching means for gobbling down the at least one predetermined address in said search index which correspond to content corresponding to the key word and the identifier included in the information request command from the terminal unit (col. 7, lines 16-23); and

a search result generating means for generating a search result including said predetermined addresses gobbled down by the searching means (e.g. a retrieving metadata generating section that generates metadata for retrieving a content based

upon the information from the terminal and outputs it to the content retrieving section, col. 2, lines 40-49).

Claim 7 is canceled.

Claim 8 is canceled.

Regarding Claims 9, 11 and 13 Sugimoto discloses, the capacity includes a content display capacity (col. 15, lines 10-20).

Regarding Claims 10, 12 and 14 Sugimoto discloses, the identifier that identifies the terminal unit is a model name (col. 7, lines 1-5).

Regarding claim 15, Sugimoto discloses a method for providing a search service, comprising:

providing a server that includes data (e.g. a server included in the apparatus for retrieving and delivering a content with database B in which various contents and a registering metadata for the contents are stored, col. 4, lines 13-17);

receiving, at the server, a request generated for a requesting device corresponding to the data in the server, wherein the request includes capacity information of the requesting device and requested content (e.g. information about the user is input from the terminal D to the user information inputting section. The

information about the user may include, for example, user identification information such as a user name, a user registration number, the name of a group which the user belongs to and so on, the type of the terminal D, information about the processing ability of the terminal D and so on, col. 6, lines 66-67-col. 7, lines 1-5);

searching the data in the server to provide search results according to the capacity information of the requesting device and according to the requested content (col. 7, lines 6-23); and

sending the search results to the requesting device in response to the request, wherein the search results correspond to the capacity information of the requesting device and the requested content (col.7, lines 23-25).

Regarding claim 16, Sugimoto further discloses, the capacity information includes display capacity information of the requesting device (col. 15, lines 10-20).

Regarding claim 17, Sugimoto further discloses, the identification information includes a model name of the requesting device (col. 7, lines 1-5).

Regarding claim 18, Sugimoto further discloses, the requesting device is a cellular phone (e.g. terminal D in Fig. 1).

Regarding claim 19, Sugimoto discloses a method for requesting data from a server, comprising:

sending a request generated for a requesting device to the server, wherein the request corresponds to data in the server, and wherein the request includes capacity information of the requesting device and request content (e.g. information about the user is input from the terminal D to the user information inputting section. The information about the user may include, for example, user identification information such as a user name, a user registration number, the name of a group which the user belongs to and so on, the type of the terminal D, information about the processing ability of the terminal D and so on, col. 6, lines 66-67-col. 7, lines 1-5); and

receiving, at the requesting device, search results from the server, wherein the search results correspond to the capacity information of the requesting device and to the requested content (col.7, lines 23-25).

Claims 20, 21 and 22 recite "*the method*" are similar to claims 16, 17 and 18. Therefore claims 20, 21 and 22 are rejected by the same reasons.

Regarding claim 23, Sugimoto discloses an information providing server group, comprising:

at least one information providing server (e.g. a server included in the apparatus for retrieving and delivering a content, col. 4, lines 13-15) that includes:

a storage portion that stores information corresponding to a request generated for a requesting device, the request including capacity information of the requesting

device and requested content (e.g. database B in which various contents and a registering metadata for the contents are stored, col. 4, lines 15-17); and

a content server, coupled to the storage portion, that provides search results to the requesting device in response to the request, wherein the search results vary according to the capacity information of the requesting device and according to the requested content (see Fig. 4 and col. 6, lines 62-67 – col. 7, lines 1-25).

Claims 24, 25 and 26 recite "*the information providing service group*" are similar to claims 16, 17 and 18. Therefore claims 24, 25 and 26 are rejected by the same reasons.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CECILE VO whose telephone number is (571)270-3031. The examiner can normally be reached on Mon - Thu (9AM - 5:00PM EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tony Mahmoudi can be reached on 571-272-4078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Cam Y Truong/
Primary Examiner, Art Unit 2169

/Cecile Vo/
Examiner
Art Unit 2169